

Atty. Dkt. No. 200311340-1

REMARKS

This Reply is in response to the Final Office Action mailed on May 30 count 2006 in which Claims 10, 11, 14 and 15 were objected to and in which Claims 1-9, 12-13, 24, 26-29, 34, 35 and 30 7-56 were rejected. With this response, Claim 43 is cancelled; Claims 7, 17, 34, 37, 41, 42 and a 55 are amended; and Claims 57-58 are added. Claims 1-24, 26-29 and 34-42 and 44-58 are presented for reconsideration and allowance.

I. Request for Withdrawal of Finality of Previous Office Action.

Applicants respectfully request that he indicated finality of the Office Action mailed on May 30, 2006 be withdrawn and that the above amendments to the claims be entered. Applicants further request the present application be allowed or that a new non-final office action be issued.

Section 6 of the Office Action mailed on May 30, 2006 rejected claim 49 under 35 USC 103(a) based upon a new ground of rejection, newly cited Smithson U. S. Patent 6,193,532 in view of Reiter et al US Patent 5,557,499. Claim 49 remains in its originally filed form. Thus, Applicants have not been provided a full and fair hearing with regard to claim 49. Accordingly, the finality of the Office Action is in proper and should be withdrawn. The enclosed amendment should be entered.

II. Rejection of Claims 1-9, 12-13, 16-17, 34-35, 37, 41-45, 47 and 54-55 Under 35 U.S.C. § 102(e) Based Upon Smithson.

Section 2 of the Office Action rejected claims 1-9, 12-13, 16-17, 34-35, 37, 41-45, 47 and 54-55 Under 35 U.S.C. § 102(e) as being anticipated by Smithson U.S. Patent 6,193,532. Claim 43 is canceled. Claims 1-9, 12-13, 16-17, 34-35, 37, 41-42, 44-45, 47 and 54-55, as amended, overcome the rejection based upon Smithson.

A. Claims 1, 35 and 45.

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Claims 1, 35 and 45 each recite a module having at least one opening configured to permit at least one standard hand digit to extend through the at least one opening when the handle is in the retracted position. As set forth in the specification of the present application and as further set forth in the limitations of dependent claims 7 and 37 the retracted position is a position when the handle is retaining the module within the chassis. Thus, claims 1 and 35 are directed to an arrangement wherein the at least one opening permits at least one standard hand digit to extend through the at least one opening even when the handle is in the retracted position.

Smithson fails to disclose or suggest a handle having at least one opening configured to permit at least one standard hand digit to extend through the least one opening when the handle is in the retracted position. In rejecting claims 1 and 35, the Office Action refers to opening 23 of Smithson. However, although opening 23 may be accessible when lever 20 is in the extended position shown, it is quite clear from the figures of Smithson that opening 23 will be blocked and inaccessible once carrier 10 is fully inserted into the enclosure 17 and lever 20 has been pivoted about pivot 21 to position pin 19 in the upper portion of slot 18 so as to hold carrier 10 within enclosure 17 (the retracted position). Thus, Smithson does not disclose at least one opening configured to receive a finger when lever 20 is in the retracted position which lever 20 retains or holds carrier 10 within enclosure 17. Accordingly, the rejection of claims 1 and 35 should be withdrawn. Claims 2-9, 12-13, 16-17, and 54-55 depend from claim 1 and overcome the rejection to the same reasons.

B. Claim 7

Claims 7 depends from claim one. Claims 7, as amended, recites that the handle pivots between the extended position and the retracted position about an axis and that the detent-engaging structure is configured to extend in a direction non-parallel to the axis into the detent when the handle is in the retracted position.

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Smithson fails to disclose a detent-engaging structure that is received within the detent and that extends in a direction non-parallel to an axis about which the handle pivots. In rejecting claims seven, the Office Action characterizes pin 19 as the detent-engaging structure. However, pin 19 extends in a direction parallel to the axis about which lever 20 pivots. Accordingly, claim seven, as amended, overcomes rejection based upon Smithson.

C. Claims 17, 34 and 42

Claims 17, 34 and 42, as amended, each recite that the handle has an arm portion that is received within a recess when the handle is in a retracted position such that a majority of the arm portion is concealed within the recess. This feature is clearly shown in Figure 8 of the present application in which a majority of arm portion 350 is concealed within the recess when the handle is in the retracted position shown.

Smithson fails to disclose or suggest a handle configured such that when the handle is in the retracted position, a majority of an arm portion of the handle is concealed within the recess. In rejecting such claims, the Office Action characterizes slot 18 as the recess. However, it is quite clear that neither lever 20 nor an arm portion of lever 20 is concealed by slot 18 even after lever 20 is rotated. In fact, Smithson appears to disclose just the opposite – when carrier 10 is inserted into enclosure 17, lever 20 conceals slot 18 which extends between lever 20 and a remainder of carrier 10. Accordingly, claims 17, 34 and 42, as amended, overcome the rejection based upon Smithson. Claims 35 and claims 44-45 and 47 depend from claims 34 and 42, respectively, and overcome the rejection for the same reasons.

D. Claims 37 and 41

Claim 37 depend from claim 34. Claim 37, as amended, recites that the handle pivots between the extended position and the retracted position and during pivoting of the handle from the extended position towards retracted position, the

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detent and detent-engaging structures are in engagement so as to urge the module into the chassis.

Claim 41, as amended, recites second means for being manually move between a first position in which the second means retains a module within the chassis when the module is inserted into the chassis and a second position permitting withdrawal of the mantra from the chassis. Claim 41 further recites that the second means is for being moved from the second position to the first position to urge the module into the chassis.

Smithson fails to disclose or suggest a handle that pivots from an extended position towards retracted position such that detent and detent-engaging structures are in engagement so as to urge the module into the chassis. In contrast, Smithson merely discloses a lever 20 having a pin 19 which is guided within slot 18 during insertion of carrier 10 into enclosure 17. Smithson further discloses that rotation of lever 20 moves pin 19 in the upwardly extending portion of slot 18 to hold carrier 10 within enclosure 17. (See column 5, lines 7-8 of Smithson). Nowhere does Smithson disclose that lever 20 is ever rotated prior to complete insertion of carrier 10 into enclosure 17. Nowhere does Smithson disclose that rotation of lever 20 assists in insertion of carrier 10 into enclosure 17. Rather, rotation of lever 20 and movement of pin 19 within slot 18 is merely to "hold" carrier 10 within enclosure 17. Accordingly, claims 37 and 41, as amended, overcome rejection based upon Smithson.

III. Rejection of Claims 28-29 and 53 under 35 USC 103(a) based upon Smithson and Bovell.

Section 4 of the Office Action rejected Claims 28-29 and 53 Under 35 U.S.C. § 103(a) as being unpatentable over Smithson in view of Bovell US publication 2003/0161118. Claims 28-29 and 53, as amended, overcome the rejection based upon Smithson and Bovell.

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Kind 28 and 53 depend from claim one and overcome the rejection for the same reasons discussed above with respect to the rejection of claim 1 based upon Smithson alone. Bovell fails to satisfy the deficiencies of Smithson.

Claim 29 depends from claim 1 and overcomes the rejection for the same reasons discussed above with respect to claim 1. Bovell fails to satisfy the deficiencies of Smithson with respect to claim 29. In addition, Smithson, as amended, recites additional features would further patentably distinguish claim 29 over Smithson in view of Bovell.

Claim 29, as amended, recites that the handle pivots between the extended position and the retracted position and during pivoting of the handle from the extended position towards retracted position, the detent and detent-engaging structures are in engagement so as to urge the module into the chassis.

Neither Smithson nor Bovell, alone or in combination, disclose a handle that moved to urge the module into the chassis. In contrast, Smithson merely discloses a lever 20 having a pin 19 which is guided within slot 18 during insertion of carrier 10 into enclosure 17. Smithson further discloses that rotation of lever 20 moves pin 19 in the upwardly extending portion of slot 18 to hold carrier 10 within enclosure 17. (See column 5, lines 7-8 of Smithson). Nowhere does Smithson disclose that lever 20 is ever rotated prior to complete insertion of carrier 10 into enclosure 17. Nowhere does Smithson disclose that rotation of lever 20 assists in insertion of carrier 10 into enclosure 17. Rather, rotation of lever 20 and movement of pin 19 within slot 18 is merely to "hold" carrier 10 within enclosure 17. Thus, even assuming time arguendo, that would be obvious to add the connectors of Bovell to Smithson, the resulting hypothetical combination would still fail to disclose the module recited in claim 29. Accordingly, claim 29, as amended, overcomes the rejection based upon Smithson and Bovell for this additional reason.

IV. Rejection of Claims 18-23, 26-27, 38-40 and 46 under 35 USC 103(a)
Based upon Smithson

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Section 5 of the Office Action rejected claims 18-23, 26-27, 38-40 and 46 under 35 USC 103(a) as being unpatentable over Smithson. Claims 18-23 and 26-27; claims 38-40 and claim 46 depend from claims 1, 34 and 42, respectively, and overcome the rejection for the same reasons discussed above with respect to the rejection of claims 1, 34 and 42 based upon Smithson.

IV. Rejection of Claims 24, 48-52 and 56 Under 35 U.S.C. § 103 Based Smithson and Reiter.

Section 6 of the Office Action rejected 24, 48-52 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Smithson in view of Reiter et al. US Patent 5,557,499. Claims 24, 48-52 and 56, as amended, overcome the rejection.

A. Claims 24, 48 and 56

Claims 24 and 56 depend from Claim 1 and overcome the rejection for the same reasons discussed above with respect to the rejection of Claim 1 based upon Smithson. Reiter fails to satisfy the deficiencies of Smithson.

Claim 48 depends from claim 42 and overcomes the rejection for the same reasons discussed above with respect to the rejection of claim 42 based upon Smithson. Reiter fails to satisfy the deficiencies of Smithson.

B. Claims 49-52

Claim 49 recite a method for positioning a module relative to a chassis of a computing device. The method includes pivoting a handle couple to a module from a releasing position to a retaining position in which a portion of the handle engages the chassis to retain the module within the chassis. Claim 49 for the recites screwing the handle to at least one of the chassis and an enclosure of the module to retain the handle in the retracted position.

Neither Smithson nor Reiter disclose or suggest a method were in the handle is screwed to retain a handle in a retracted or retaining position. In fact, Section 6 of the office action fails to even assert that either Smithson or Reiter disclose such a

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step or feature. Moreover, in its allowability of claims 10-11 and 14-15, the office action specifically knowledge is that the part of record does not teach a handle including threaded portions, which would seemingly imply that the prior art of record also fails to disclose screwing a handle to at least one of the chassis and an enclosure of the module to retain the handle in the retracted or retaining position. Accordingly, the rejection of claims 49-52 should be withdrawn.

V. Added Claims.

With this response, Claims 57 and 58 are added. Claims 57 and 58 are patentably distinct over the prior art of record.

Heinz 57 and 58 depends from claims one and 35, respectively, and reach recite that the at least one opening of the handle is further configured to permit at least one standard hand digit to extend through the lease one opening when the handle is in the extended position. Thus, claims 57 and 58 are directed to modules in which the at least one opening of the handle permits a standard hand digit to extend through the lease one opening when the handle is in both its extended position and its retracted position. Accordingly, regardless of what is construed to be the extended position and the retracted position of Smithson, claims 57 and 58 are patentably distinct over Smithson since Smithson does not permit insertion of a person's finger through opening 23 when lever 20 is holding carrier 10 within enclosure 17.

IX. Conclusion.

After amending the claims as set forth above, Claims 1-24, 26-29 and 34-42 and 44-58 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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